

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

QUEENS UNIVERSITY AT KINGSTON,
ET AL.

v.

SAMSUNG ELECTRONICS CO., LTD., ET
AL.

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Case No. 2:14CV53-JRG-RSP

ORDER GRANTING-IN-PART DEFENDANTS' MOTION TO COMPEL

Before the Court is Plaintiffs' Emergency Motion to Compel Samsung to Produce and Identify Witnesses, Produce Documents and Data, and Supplement Interrogatory Responses (Dkt. No. 138). The Court held a hearing on the motion on June 29, 2015. For the reasons set forth during the hearing, the motion is **GRANTED-IN-PART** as follows:

Plaintiffs' motion is granted to the extent that Defendants are hereby precluded from relying upon the "POSTECH" agreement entered into between Samsung and Pohang Engineering University as part of their defense on any issue in this case. The Court finds that this agreement should have been produced with the initial disclosures in this matter and that the delay in production, for which no reasonable excuse has been shown, has prejudiced Plaintiffs by preventing the ability to take discovery about the agreement during depositions and document discovery.

Plaintiffs' motion is further granted to the extent that Plaintiffs are hereby given the option to take the depositions of Messrs. Koh and Song by notice through the Defendant either by telephone or in Korea within the next 10 days. The Court will not order that Defendant produce these witnesses in the United States.

Plaintiffs' motion is finally granted to the extent that Defendants are directed to produce to Plaintiffs by July 13, 2015 the spreadsheet regarding the S3 device discussed at the hearing, which shall contain quarterly totals for the categories used in the S4 spreadsheet previously provided.

The Docket Control Order is modified as reflected on the Eighth Amended DCO filed herewith.

SIGNED this 29th day of June, 2015.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE